

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2753-2019

Date of decision: 29.08.2022

INDERJIT KAUR

..Petitioner

Versus

MAAN SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Chawla, Advocate
for the petitioner.

ANIL KSHETARPAL, J.

The interlocutory order passed by the trial Court on 11.12.2017 has been called in question by the plaintiff. The trial Court has directed her to produce relevant documents regarding the alleged adoption by her of Rajkanwardeep Singh. The plaintiff is widowed daughter-in-law of Sh. Maan Singh-defendant in the suit. She is in the Government service. She has filed a suit for declaration that she is owner of the land measuring 19 kanals and 8 marlas, a house and alleges that the Will executed by her husband on 26.05.2014, in favour of Sh. Maan Singh (her husband's father) is illegal. She also prays for a decree of permanent injunction. While filing the suit, she claim that she has adopted Rajkanwardeep Singh on 24.07.2014 i.e. after the death of her husband on 16.06.2014. But now, the alleged adoption deed has been cancelled vide document dated 28.03.2016. The Court in the facts of the case, has considered it appropriate to direct the plaintiff to produce the relevant documents regarding adoption.

This bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

The learned counsel submits that the correctness of the adoption is not to be decided, therefore, the impugned order suffers from

perversity. This Court has considered the submissions. The dispute is with regard to immovable property as well as the alleged Will executed by Sh. Rajinder Singh. On reading of the plaint, it is evident that she has claimed immovable property. While filing the written statement, Sh. Maan Singh (defendant No.1) claimed that when the mutation regarding estate of late Sh. Rajinder Singh was sanctioned on the basis of Will dated 26.05.2014, the plaintiff submitted a self-declaration form admitting the execution and validity of the Will. It has further been stated that late Sh. Rajinder Singh used to reside in village Burj Powat on account of illness and the plaintiff never served or took care of late Sh. Rajinder Singh.

She has herself taken a stand that the aforesaid adoption has been cancelled vide order dated 28.03.2016. The plaintiff has failed to show any prejudice which she will suffer on account of production of the adoption deed dated 24.07.2014.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

29th August, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*